IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHRISTA NELSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number CIV 08-1144-C
	)	
LOVE, BEAL & NIXON, P.C., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

Plaintiff initiated this action alleging Defendant Love, Beal & Nixon, P.C. ("LBN"),

on behalf of Midland Credit Management, Inc., attempted to collect a debt from a Plaintiff

using the mails and the telephone, and by suing Plaintiff in Oklahoma County District Court.

Plaintiff asserted Defendants' actions violated the Fair Debt Collection Practices Act, 15

U.S.C. §§ 1692e et seq. ("FDCPA"). Defendant LBN has now filed a Motion for Summary

Judgment. In support of its motion, LBN notes that Plaintiff failed to respond to certain

discovery requests, particularly Requests for Admission, and the questions that are now

deemed admitted entitle it to judgment. Although the time to respond has passed, Plaintiff

has neither responded or sought additional time to respond. However, the Court has become

aware through proceedings before other Judges in this Court that Plaintiff's counsel has

become unable to continue representing her clients. The Court takes judicial notice of the

Orders addressing counsel's difficulties (see, e.g., Case No. CIV-08-1160-HE, Dkt. No. 24)

and based on those findings will order Plaintiff's counsel withdrawn from the present case.

So that Plaintiff is not prejudiced by her counsel's difficulties, the Court will grant Plaintiff

20 days to retain new counsel or enter an appearance pro se. In the event Plaintiff fails to meet this deadline, the case will be dismissed without prejudice.

As set forth more fully herein, Plaintiff's counsel is withdrawn from this case, the scheduling order is hereby vacated, and Plaintiff shall secure new counsel or appear pro se, within 20 days of the date of this Order. Failure to comply will result in dismissal without prejudice. The Court Clerk is directed to mail a copy of this Order to Plaintiff's counsel, who must forward it immediately to Plaintiff.

IT IS SO ORDERED this 19th day of August, 2009.

ROBIN J. CAUTHRON
United States District Judge